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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/378,218

08/19/99

PHILYAW

J

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EXAMINER

ROMERO, A

ART UNIT

PAPER NUMBER

2756

DATE MAILED:

07/06/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/378,218

Applicant(s)

Philyaw et al.

Examiner

Almari Romero

Group Art Unit

2756

☒ Responsive to communication(s) filed on Oct 1, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-10 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-10 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Drawings

1. The drawings are objected to because of form PTO-948. Correction is required.
2. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Specification

3. The abstract of the disclosure is objected to because the content contains reference numbers in parentheses.

Correction is required. See MPEP § 608.01(b).

4. The disclosure is objected to because of the following informality:
 - a) Related U.S. Patent Application serial numbers are missing in "Cross Reference to Related Application".

Appropriate correction is required.

Claim Rejections - 35 U.S.C. § 103

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5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 4, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bendinelli et al. (U.S. Patent No. 6,061,719) in view of Yokozawa et al. (U.S. Patent No. 5,740,369).

7. Regarding claim 1, Bendinelli et al. (Bendinelli) discloses the invention substantially as claimed. Bendinelli discloses; *the unique code is close association with vendor information* (on col. 2, line 51- col. 3, line 12 and col. 3, line 57-col. 4, line 13: teaches a URL or other type of network information identifier which identifies a web site (vendor information)); *extracting the unique code with an extractor during output of the recorded information to a user at a user location disposed on a network* (on col. 3, line 13 - col. 4, line 13 and col. 5, line 57- col. 6, line 11: teaches a decoder extracts an embedded URL or other type of network information identifier from a closed caption stream (output information) and delivers it to a computer via a suitable connection (network)); *in response to extracting the unique code, transmitting the unique code to a remote location on the network in accordance with routing information stored at the user location, wherein the vendor information is returned to the user location for processing* (on col. 2, line 51- col. 3, line 12 and col. 5, line 57-col. 6, line 11: teaches from extracting the URL or other network information identifier (unique code) identifying a web site at a server (remote

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location) and wherein a web page (vendor information) is delivered to the computer for display).

However, Bendinelli does not explicitly disclose the unique code in recorded information.

Yokozawa et al. (Yokozawa) discloses on col. 31, lines 1-26 and col. 32, lines 1-27: teaches a sorting code (unique code) embedded in a data which is stored (recorded information) in a computer system). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide stored data with sorting code, as taught by Yokozawa, which will be extracted to be able to identify a web site at server, as taught by Bendinelli, in a network environment. The motivation to do so would have been to incorporate stored data with sorting code to then extract the code or identifier to identify the web page (vendor information) at a server (remote location) in order to increase the flexibility in advertisement via the network.

8. Regarding claim 4, Bendinelli teaches; *wherein the network is a global communication network that provides a universal resource locator (URL) for each location on the network and the routing information is comprised of the URL for the location* (On col. 2, line 51- col. 3, line 12: teaches providing URL).

9. Regarding claim 5, Bendinelli teaches; *wherein the unique code is an audible tone* (On col. 2, line 51- col. 4, line 13: teaches network information identifier can be embedded in any other type of signal).

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10. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bendinelli-Yokozawa as applied to claims 1 and 4-5 above, and further in view of Hitzelberger (U.S. Patent No. 6,061,368) .

11. Regarding claim 2, Bendinelli-Yokozawa discloses the invention substantially as claimed as described *supra*. However, Bendinelli-Yokozawa does not explicitly teach an intermediate location on the network for comparing the received unique code with the stored vendor routing information in the database. Hitzelberger on col. 4, lines 9-56: teaches a routing engine (intermediate location) for matching source identifiers with the destination identifiers from a cache (stored vendor routing information) in the routing engine. It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate a routing engine (intermediate location), as taught by Hitzelberger, to identify a web site at server using a code, as taught by Bendinelli-Yokozawa, in a network environment. The motivation to do so would have been to provide a routing engine to match the source identifier with the destination identifiers stored in the cache to be able to identify the web page (vendor information) at a server (remote location) for interconnection increasing the reliability in establishing connection between source and destination.

12. Regarding claim 3, Hitzelberger teaches a source identifier (user ID information that identifies the user location), routing engine (intermediate node) which includes identifiers, and a matching function for comparing source identifier with a destination identifiers stored in cache to be encoded in a packet that is transmitted to the destination (on col. 4, lines 9-56).

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13. Regarding claims 6-10 are substantially the same as claims 1-5 and are thus rejected for reasons similar to those in rejecting claims 1-5.

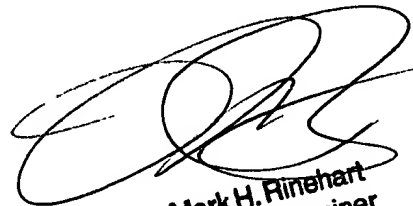
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Conclusion

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Almari Romero whose telephone number is (703) 305-0749. The examiner can normally be reached on Mondays-Fridays from 7:30 A.M. to 4:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Mark Rinehart, can be reached on (703) 305-4815. The fax phone number for this Group is (703) 305-9731.

Any inquiry of general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.



Mark H. Rinehart
Primary Examiner

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